

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1160 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Points Nos.1 to 5 - No.

SUNITA M GOSWAMI

Versus

ADDL CHIEF SECRETARY

Appearance:

MR DV MEHTA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 3

MR DA BAMBHANIA for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/04/97

ORAL JUDGEMENT

Heard learned Advocates for the parties.

This petition has been preferred by a tutor serving under the respondent herein against the impending order of termination of her service. In response to the notice issued by this court, the respondents have entered

their appearance through learned AGP Mr.Bhambhania. Mr.Bhambhania relies upon order dated 26-2-97 under which the petitioner has been transferred from under the respondent No.3 herein to the medical college, Bhavnagar. He has submitted that no order of termination of service has been made against the petitioner and the petition is, therefore, not maintainable.

Learned Advocate Mr.Tanna has claimed that being a tutor the petitioner is required to acquire post-graduate degree in accordance with the terms of her appointment. However, no facility of post graduation study is available at Bhavnagar and the petitioner will not be able to pursue her post-graduate study at Bhavnagar. Petitioner's failure to acquire post graduate degree would necessarily result into termination of her service in accordance with the terms of her appointment. Mr.Bhambhania has assured that respondents shall reconsider their decision to transfer the petitioner to Bhavnagar and make necessary order.

In view of the aforesaid assurance extended by Mr.Bhambhania, no further order is required to be made on this petition at this stage. Petition is dismissed.

Rule is discharged. Ad-interim order is vacated.
